

REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 31, 33 and 53 will have been amended and claims 55 and 56 will have been added. Accordingly, claims 13-56 will be pending with claims 13-32, 36-52 and 54 being withdrawn by the Examiner.

Summary of the Official Action

In the instant Office Action, the Examiner rejected claims 31-35 and 53 over the art of record. By the present amendment and remarks, Applicant submits that the rejection has been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview of November 8, 2006

Applicant appreciates the courtesy extended by Examiner Johnson in the telephone interview of November 8, 2006. In that interview, Applicant's representative discussed, among other things, that at least claims 31, 33 and 53 are not disclosed or suggested by STEIGERWALD. The Examiner disagreed.

Applicant's representative also pointed out that claims 31 and 33 recite that the parts have great longitudinal extension. The Examiner explained that he was unsure how to interpret this feature. However, the Examiner agreed that STEIGERWALD discloses the friction welding of parts which are shorter in length than in width or diameter.

The Examiner, however, agreed to reconsider the rejection over STEIGERWALD if claims 31, 33 and 53 were amended to recite that that the parts have a profiled cross-section and a length which is greater than an overall width of the profiled cross-section.

Traversal of Rejection Under 35 U.S.C. § 102

Applicant traverses the rejection of claims 31-35 and 53 under 35 U.S.C. § 102(b) as anticipated by US Patent No. 3,732,613 to STEIGERWALD.

The Examiner asserted that this document discloses all the features recited in these claims. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses or suggests, Applicant submits that no proper reading of STEIGERWALD discloses or suggests: inter alia, a method for joining parts having a *profiled cross-section and a length which is greater than an overall width of the profiled cross-section* by friction welding, as recited in each of amended independent claims 31 and 33; and inter alia, a method for joining two parts having a *length which is greater than an overall width of the profiled cross-section* by friction welding using a device for friction welding parts, the device comprising first and second clamping arrangements structured and arranged to position ends of the parts against one another, at least one of the first and second clamping arrangements being axially movable with respect to another of the first and second clamping arrangements, first and second moving devices for respectively moving the first and second clamping arrangements along a direction that is parallel to a part cross-sectional

plane, and first and second control devices for controlling movement of the first and second moving devices, wherein the part cross-sectional plane is define by an end face of one of the parts, wherein the method comprises *clamping the parts in first and second clamping arrangements, the first clamping arrangement surrounding a portion of one of the parts and the second clamping arrangement surrounding a portion of another of the parts*, arranging ends of the two parts opposite one another, pressing the ends against one another by moving at least one of the ends axially relative to another of the ends, moving the ends relative to each other along a direction which is parallel to an end surface of at least one of the ends, axially aligning the parts, and metalically bonding the ends of the two parts, wherein, during the pressing, the parts do not rotate and at least one of the ends of the parts is moved around a joint axis in a circulating manner, as recited in amended independent claim 53.

Applicant acknowledges that Fig. 1 of STEIGERWALD apparently discloses an arrangement which can friction weld parts 28 and 20. However, as explained in the Interview, the arrangement is able to weld the parts by securing opposite ends of the parts to plates (e.g., plate 18). While such an arrangement can function to weld parts which are shorter in length and their cross-sectional width (as is shown in Fig. 1), it is not apparent that such a device could properly friction weld parts which have, among other things, a length which is greater than an overall width of the profiled cross-section.

Furthermore, it is not apparent that STEIGERWALD discloses an arrangement which could friction weld parts having a profiled cross-section in combination with the parts also having a length which is greater than an overall width of the profiled cross-section.

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Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper reading of STEIGERWALD.

Because the applied document fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that any proper reading of this document fails to render anticipated, or even unpatentable, the combination of features recited in at least independent claims 31, 33 and 53.

Moreover, Applicant submits that dependent claims 32, 34 and 35 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of STEIGERWALD discloses or suggests, in combination: that the method further comprises, after the axially aligning, forcing the ends of the parts together as recited in claim 32; that the method further comprises, after the axially aligning, forcing the ends of the parts together to produce an all-over metallic bonding of the ends of the parts as recited in claim 34; and that the pressing produces a weld area and takes place under increased pressure as recited in claim 35.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

New Claims are also Allowable

Applicants submit that the new claims 55 and 56 are allowable over the applied art of record. Specifically, claims 55 and 56 depend from claims 31 and 33 which are believed

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to be allowable. Additionally, claims 55 and 56 recite a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicant respectfully requests consideration of these claims and further request that the above-noted claims be indicated as being allowable.

Request for Rejoinder of Non-Elected Claims

Applicant submits that rejoinder of withdrawn claims 36-51 is now proper. At the very least, claims 36-51 should be rejoined because these claims depend from claim 33 which is believed to be allowable. Applicant refers the Examiner to MPEP 821.04 which indicates that withdrawn claims which depend from or otherwise include all the limitations of the allowable claims will be rejoined if presented prior to allowance and issuance of a final rejection. Accordingly, Applicant requests that the Examiner rejoin all the withdrawn claims directed to the non-elected invention and consider the merits of the same.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art,
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should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
L. HANS PFEILER



Neil F. Greenblum
Reg. No. 28,394

Robert W. Mustler
Reg. No. 35,043

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191